

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention or design **PARTICLE COUNTING WITH ENHANCED PARTICLE FLUX RANGE**, the specification of which (check one):

  X   is attached hereto; or

           was filed on                      as

Application Serial No.                     

and was amended on                      (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed (Yes) (No)</u>
NONE			

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I

acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application</u> <u>Serial Number</u>	<u>Date</u> <u>Filed</u>	<u>Status</u>
NONE		

I hereby appoint:



**05073**

PATENT TRADEMARK OFFICE

Practitioners at Customer Number

all of the firm of Baker Botts L.L.P., my attorneys and/or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Ann C. Livingston  
The above-mentioned Customer  
Number

Direct Telephone Calls To:

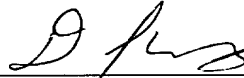
Ann C. Livingston  
at 512.322.2634  
Atty. Docket No. 090936.0432

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole inventor

David John McComas

Inventor's Signature



Date

11/30/01

Residence (City, County, State)

San Antonio, Bexar County,  
Texas

Citizenship

United States of America

Post Office Address

23854 Up Mountain Road  
San Antonio, Texas 78255

---

Applicant or Patentee: David John McComas  
Serial or Patent No: Not Yet Assigned  
Attorney's Docket No. 090936.0432  
Date Filed or Issued: herewith  
For: **Particle Counting with Enhanced Particle Flux Range**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

**NAME OF ORGANIZATION:** Southwest Research Institute  
**ADDRESS OF ORGANIZATION:** 6220 Culebra Road (P.O. Drawer 28510)  
San Antonio, Texas 78238  
**TYPE OF ORGANIZATION:** TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(c)(3))

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled **Particle Counting with Enhanced Particle Flux Range** by inventor David John McComas described in

☒ [ X ] the specification filed herewith  
☐ [ ] application serial no., filed

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the inventions is listed below. \* No rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_ N/A  
ADDRESS: \_\_\_\_\_ N/A

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING \_\_\_\_\_ Walter D. Downing  
TITLE IN ORGANIZATION \_\_\_\_\_ Executive Vice President  
ADDRESS OF PERSON SIGNING \_\_\_\_\_ 6220 Culebra Road, P.O. Drawer 28510  
\_\_\_\_\_ San Antonio, Texas 78228-0510

SIGNATURE \_\_\_\_\_ *Walter D. Downing* \_\_\_\_\_ DATE 11/30/2001

(2856)

